

OKLAHOMA HORSE RACING COMMISSION

WENDY KEENER, ESQ., CHAIR

JOE LUCAS, VICE CHAIR

KEITH SANDERS, SECRETARY

BENNETT ANDERSON, MEMBER

BECKY GOUMAZ, MEMBER

MONTY MARCUM, MEMBER

PHILLIP KIRK, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, October 17th, 2019, 9:30 a.m.

Meeting Location:
Agriculture Board Room
Department of Agriculture, Food and Forestry
2800 N. Lincoln Boulevard
Oklahoma City, OK 73105

Address of the:

OKLAHOMA HORSE RACING COMMISSION
2800 N. LINCOLN BLVD., SUITE 220
OKLAHOMA CITY, OKLAHOMA 73105
(Located in Department of Agriculture, Food and Forestry Building)
TELEPHONE: (405) 522-8167; FAX: (405) 943-6474
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AGENDA POSTED IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING ACT

All citizens who attend public meetings of the Commission who need special accommodations, i.e., Sign Language Interpreter, amplification device, large print materials, Braille materials, audio cassette materials, readers or other special accommodations must notify the Commission by the deadline date and time for acceptance of agenda requests.

CALL TO ORDER Ms. Keener, Chair

ROLL CALL Ms. Keener, Chair

BUSINESS Ms. Keener, Chair

A. MINUTES

The drafted Minutes of the August 22, 2019 Regularly Scheduled Commission Meeting [Item A.1] will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

B. CONTINUED DELIBERATIONS REGARDING RENEWAL APPLICATIONS FOR CY 2020 GAMING AND RACING LICENSES FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA

Background

At the August 22, 2019 meeting, representatives for Remington Park, Will Rogers Downs and Fair Meadows at Tulsa presented their respective renewal applications for CY 2020 racing and gaming licenses. Commissioners and Commission Staff asked questions. The Commission then took preliminary action to award CY 2020 racing and gaming licenses to Remington Park, Will Rogers Downs and Fair Meadows at Tulsa, allot CY 2020 live race dates and directed Commission Staff to draft License Orders for continued deliberations for the next Commission meeting.

- Fair Meadows of Tulsa Drafted Gaming Order [Item B.1].
- Fair Meadows of Tulsa Drafted Racing Order [Item B.2].
- Remington Park Drafted Gaming Order [Item B.3].
- Remington Park Drafted Racing Order [Item B.4].
- Will Rogers Downs Drafted Gaming Order [Item B.5].
- Will Rogers Downs Drafted Racing Order [Item B.6].

Current Consideration

The drafted racing and gaming license Orders have been distributed to the Commissioners.

Possible Executive Session for Deliberations in Individual Proceedings Regarding Racetrack Applications for Racing and the Companion Gaming Licenses

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session may be proposed for continued deliberations in individual proceedings regarding CY 2020 organization license [racing] and the companion gaming applications from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa.

1. **Motion and Vote to Go Into Executive Session for the Purpose Stated Above**
2. **Vote to Reconvene in Open Session**

Possible Action:

Possible actions may include: taking final action to approve the drafted CY 2020 racing and gaming license orders and allot CY 2020 live race dates; adopting amended orders or race dates; or continuing to a future Commission meeting or taking no action.

C. APPEAL HEARING FOR MIGUEL PENA-RODRIGUEZ, OWNER/TRAINER, REGARDING STEWARDS' ORDER 19-RP-027B

In Stewards' Order 19-RP-027B [Item C.1], the Board of Stewards at Remington Park found Mr. Pena-Rodriguez to be in violation of OAC 325:35-1-31 Fighting for the assault of David Eurique Bieblas at Remington Park on April 9, 2019.

It was the Order of the Board of Stewards at Remington Park that the Owner/Trainer license issued to Miguel Pena-Rodriguez shall be suspended for thirty (30) days beginning Friday, April 12, 2019 and continuing through May 11, 2019.

Transcript from the May 10, 2019 Stewards Hearing [Item C.2].
Petition for Appeal [Item C.3].

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., OAC 325 (OHRC *Rules of Racing*), OAC 325:70-1-22, Grounds for Appeal from Decision of the Stewards, and OAC 325:70-1-24, Appeal Hearing Procedure.

The procedure for the Hearing before the Commission is set as follows:

1. The Commission may consider any preliminary matters or motions, including a possible Motion to Enter and Motion for Continuance.
2. The appellant, Mr. Miguel Pena-Rodriguez, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
3. The appellant, Mr. Miguel Pena-Rodriguez, or his counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present its case.
4. The Appeal is not a new evidentiary hearing on the matter. Both parties are limited to making arguments/comments concerning the evidence presented at the Board of Stewards' Hearing. However, the Commission may consider new evidence not found in the record of the Board of Stewards' Hearing, provided that the proponent makes an offer of proof briefly explaining the new evidence, including an explanation of how the evidence satisfies the requirements set forth in OAC 70-1-22(2).
5. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

Possible Executive Session

Pursuant to 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Mr. Pena-Rodriguez' Appeal of Stewards' Order 19-RP-027B.

1. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
2. Motion and Vote to Reconvene in Open Session

Possible Action:

Possible action may include, but is not limited to: take no action; take preliminary action on the matter and instruct the Commission Legal Advisor to draft Order(s) for consideration in further deliberations at the November 21, 2019 Commission meeting; or continue the matter.

D. PETITION FOR APPEAL FILED ON BEHALF OF MARY MEZA

In Stewards' Order 19-RP-057, dated June 27, 2019, Ms. Meza was found to be in violation of Commission rules when her Quarter Horse "HAILOFADASHER, tested positive for Clenbuterol following a race at Remington Park on April 23, 2017.

Appellant's Petition for Appeal [Item D.1] was dated September 19, 2019, and was received by the Commission on September 23, 2019. The Petition does not state the date on which Appellant received the Stewards' Order, and alleges that it was never served on Appellant's Counsel.

The Hearing is limited to the issues of whether Ms. Meza's Petition for Appeal was timely filed in accordance with OAC 325:70-1-23 or whether there is good cause to extend the time for filing.

Email from Stewards Clerk Jenn Dodd dated September 10, 2019 sent to Mr. Hayes [Item D.2]

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., OAC 325 (OHRC *Rules of Racing*), OAC 325:70-1-22, Grounds for Appeal from Decision of the Stewards, and OAC 325:70-1-24, Appeal Hearing Procedure.

The procedure for the Hearing before the Commission is set as follows:

1. The appellant, Ms. Mary Meza, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Ms. Mary Meza, or her counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present its case.
3. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel

Possible Executive Session

Pursuant to 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Mr. Alexander's Appeal of Stewards' Order 18-RP-086 and the Referral by the Board of Stewards at Remington Park.

1. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
2. Motion and Vote to Reconvene in Open Session

Possible Action:

Possible action may include, but is not limited to: take no action; take preliminary action on the matter; or continue the matter(s).

E. PROPOSED OPENING OF THE PERMANENT RULEMAKING PROCESS TO CONSIDER RULE AMENDMENTS FOR THE OHRC RULES OF RACING AS PROPOSED BY THE COMMISSION EXECUTIVE DIRECTOR

Mr. Kelly Cathey, Commission Executive Director, proposes opening the permanent rulemaking process to consider amendments in the *Rules of Racing* and *Rules for Racetrack Gaming* to:

Rules of Racing:

Chapter 70, Objections and Protests; Hearing and Appeals
Chapter 75, Oklahoma-Bred Program

F. ANY MATTER NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING THE AGENDA

G. ANNOUNCEMENTS

11/7/19 – Deadline for submitting agenda topic requests for November 21, 2019 Regularly Scheduled Commission Meeting

11/6/19 – Oklahoma-Bred Advisory Council Meeting, 1:30 p.m., Commission Conference Room, Department of Agriculture, Food and Forestry, Oklahoma City

11/9/19 – Will Rogers Downs' Quarter Horse, Paint and Appaloosa race meeting is scheduled to conclude

11/11/19 – HOLIDAY [Veterans' Day]

11/21/19 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

11/28-29/19 – HOLIDAY [Thanksgiving]

12/15/19 – Remington Park's Thoroughbred race meeting is scheduled to conclude

12/24-25/19 – HOLIDAY [Christmas]
There is no December, 2019 Meeting

ADJOURNMENT.....Mrs. Keener, Chair